



## CONSERVATION DISTRICT USE APPLICATION (CDUA)

File No:

Acceptance Date:

180-Day Expiration Date:

Assigned Planner:

for DLNR Use

### PROJECT NAME: CRM Wall and Swale

Conservation District Subzone: General

Identified Land Use: P-13 C-2 Land Management and erosion control

(Identified Land Uses are found in Hawai'i Administrative Rules (HAR) §13-5-22 through §13-5-25)

Project Address: 1471 Aunauna Street, Kailua, HI 96734

1711 Kanapuu Drive, Kailua, HI 96734

Tax Map Key(s): (1) 4-2-097:0048-(0005), (1) 4-2-004:0001

Ahupua'a: Kailua

District: Koolau-poko

County: Honolulu

Island: Oahu

Proposed Commencement Date: August 1, 2014

Proposed Completion Date: August 30, 2014

Estimated Project Cost:

**TYPE OF PERMIT SOUGHT:** ☐ Board Permit ☒ Departmental Permit

☐ Boundary Determination (ref §13-5-17)

☐ Emergency Permit (ref §13-5-35)

☐ Temporary Variance (ref §13-5-36)

☐ Site Plan Approval (ref §13-5-38)

*Note: The four items on the left do not require that a full CDUA be filled out; please complete the first three pages of this application, and refer to the relevant HAR sections for the required documentation.*

### ATTACHMENTS (where applicable)

\$ 250 Application Fee (ref §13-5-32 through 34)

\$ \_\_\_\_\_ Public Hearing Fee (\$250 plus publication costs; ref §13-5-40)

☒ 20 copies of CDUA for Board and Departmental Permits (5 hard + 15 hard or digital copies)

☐ Management Plan or Comprehensive Management Plan (ref §13-5-39 and §13-5 Exhibit 3)

☐ Draft / Final Environmental Assessment or Draft / Final Environmental Impact Statement

☐ Special Management Area Determination (ref Hawai'i Revised Statutes (HRS) 205A)

☐ Shoreline Certification (ref §13-5-31(a)(8)) if land use is subject to coastal hazards.

☐ Kuleana documentation (ref §13-5-31(f)) if applying for a non-conforming kuleana use.

☐ Boundary Determination (ref §13-5-17) if land use lies within 50 feet of a subzone boundary.

## REQUIRED SIGNATURES

### Applicant

Name / Agency: John and Nancy Shaw  
Street Address: 1471 Aunauna Street  
Kailua, HI 96734

Contact Person & Title: John Shaw

Phone:

Fax:

Email:

Interest in Property: adjacent owner

Signature: 

Date: 6-29-14

*Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization*

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### Landowner (if different than the applicant)

Name: MDHE LLC

Title; Agency: Dawn R. Horn, Managing Member

Mailing Address: 129 South Kalaheo Ave  
Kailua, HI 96734

Phone: (808) 225-7873

Fax:

Email: dawnhorn@hawaii.rr.com manager@1711kanapuu.com

Signature: 

Date: 6/24/2014

*For State and public lands, the State of Hawai'i or government entity with management control over the parcel shall sign as landowner.*

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### Agent

Agency: MDHE LLC

Contact Person & Title: Dawn R. Horn, Managing Member

Mailing Address: 129 South Kalaheo Ave, Kailua, HI 96734

Phone: (808) 225-7873

Fax:

Email: dawnhorn@hawaii.rr.com

manager@1711kanapuu.com

Signature: 

Date: 6/24/2014

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### For DLNR Managed Lands

#### State of Hawai'i

Chairperson, Board of Land and Natural Resources

State of Hawaii

Department of Land and Natural Resources

P.O. Box 621

Honolulu, Hawaii 96809-0621

Signature \_\_\_\_\_

Date: \_\_\_\_\_

## **PROPOSED USE**

**Please provide an executive summary of the proposed land use. Attach any site plans, landscaping plans, photographs, maps, and construction plans as needed.**

Request Departmental Permit in arrears for existing low profile ccm retaining wall and concrete swale which was constructed in ~~2004~~ by adjacent neighbor (Shaw) to prevent erosion and which encroaches into TMK (1) 4-2-004:0001 (MDHE LLC) within the Conservation District.

Removal of small rock walls, chicken coop, wood steps, and irrigation lines which were installed on TMK (1) 4-2-004:0001 within the Conservation District without approval.

Planting of native species for erosion control and soil stabilization in areas exposed by the removal of items listed above and selected adjacent portions of TMK (1) 4-2-004:0001 which are presently landscaped in lawn grasses.



## EXISTING CONDITIONS

**Please describe existing conditions on the parcel (geology, ecology, cultural and recreational resources, historic resources, structures, landscaping, etc). Attach maps, site plans, topo maps, biological or archaeological surveys as appropriate.**

The 37-acre property is located at 1711 Kanapu'u Drive., Kailua, Kailua Ahupua'a, Ko'olaupoko District, Island of O'ahu, Hawai'i [Tax Map Key (1) 4-2-004: 001]. Bellows Air Force Base forms the eastern property boundary, Kailua Bluffs residential housing form the northern and western property boundaries, Keolu Summit subdivision forms the southern boundary. The elevation is approximately between 100 and 300 feet above mean sea level (amsl). At this elevation, temperatures range from the high 50s to the high 80s during the winter months and from the mid-60s to the high 80s or low 90s during the summer.

The project area is situated within the matrices described as Alaeloa Silty Clay (AeE) and Papaa clay (PYF). The Alaeloa soil series consists of well-drained soils which are gently sloping to very steep, developed in material weathered from igneous rock. The Alaeloa silty clay, 15 to 35 percent slopes (AeE), exhibit moderately rapid permeability, medium runoff and moderate erosion hazard. This soil type is utilized for agriculture (pineapple), pasture, wildlife habitat, homesites, and water supply. The Papaa series soils are formed in basalt end up as colluvium. The Papaa clay with 35 to 70 percent slopes (PYF), has convex, very steep slopes. This soil is very sticky and very plastic and cracks widely when dry. Runoff is rapid and the erosion hazard is severe for this soil. This soil is primarily used for pasture. The existing crm wall and swale were constructed to manage erosion and rapid runoff from an area of this type of steep slope Papaa Clay into and through the adjacent Keolu Summit subdivision.

Within the project area's perimeters are mainly non-native vegetation and invasive species that include Formosan Koa (*Acacia confusa*), Chinese violet (*Asystasia gangetica*), koa haole (*Leucaena leucocephala*), Kikuyu (*Pennisetum clandestinum*), (*Brachiaria* sp) and California grass (*Urochloa mutica*). Very low biological diversity exists within the project parcel except along the residential boundaries where adjacent property owners have planted fruit trees and landscaping ornamentals.

**Historical Cultural and Archeological.** The earliest inhabitants of Kailua Ahupua'a more than likely settled from the coast to the mid to upper regions (more inland), a pattern typical of the ahupua'a resource acquisition strategies of Hawai'i (Tuggle 1994). The plentiful freshwater sources, use of fishponds, favor of the land by the ali'i, and the nearby tool resource site aptly places Kailua as an important and well-used area of O'ahu. Māhele land records provide a component to understanding land use history during the early to mid 1800s. Land Court Award 4452 included 11,885 acres within the ahupua'a of Kailua awarded to Queen Kalama also included a portion of the project area. These lands were awarded to Queen Kalama as house lots. During the 100 or so years following the Māhele, the agricultural patterns of Kailua were drastically altered. Until 1900, rice was the most important crop in Kailua. After 1900, truck-farming of taro and introduced, western crops was most prevalent. Cattle, sheep, and horses were pasturing throughout Kailua including the project site. By the 1950s truck farming and ranching began to give way to housing, municipal, and commercial development. Recent site surveys and Archeological, Cultural, and Flora and Fauna Assessments for an Environmental Assessment (currently in draft) of the project site found no significant sites, cultural impacts, or sensitive or protected species within the project site.

## EVALUATION CRITERIA

**The Department or Board will evaluate the merits of a proposed land use based upon the following eight criteria (*ref §13-5-30 (c)*):**

1. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. (*ref §13-5-1*)  
How is the proposed land use consistent with the purpose of the conservation district?

The proposed project prevents erosion of conservation land and potential adverse impacts of unmitigated runoff. The project improves biological diversity on the site by revegetation with native plants. The project removes an unpermitted structure and use (chicken coop).

2. How is the proposed use consistent with the objectives of the subzone of the land on which the land use will occur? (*ref §13-5-11 through §13-5-15*)

Erosion control, soil stabilization, and revegetation are permitted uses within the General Subzone.

3. Describe how the proposed land use complies with the provisions and guidelines contained in chapter 205A, HRS, entitled "Coastal Zone Management" (*see 205A objectives on p. 8*).

The proposed project prevents erosion of conservation land and potential adverse impacts of unmitigated runoff which potentially adversely affect downstream coastal areas. The project protects preserves and restores the quality of scenic open spaces.

4. Describe how the proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

The low profile crm wall and swale have been in existence for 10 years with a beneficial impact to the surrounding community.

5. Describe how the proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

The existing low rise crm wall and swale are compatible and consistent with the same type of crm and rock walls prevalent in the surrounding community.

6. Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

The proposed project improves the existing open space and natural beauty by removal of a chicken coop structure, preservation of the natural slope by erosion prevention, and stabilization by infill planting with native species.

7. If applicable, describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

This project does not involve subdivision of land.

8. Describe how the proposed land use will not be materially detrimental to the public health, safety and welfare.

The existing low rise crm wall and swale improve public safety and health by preventing runoff through the homes and yards of the adjacent community by rainwater potentially carrying feral pig feces, soil sediments, and other potential health hazards. Runoff of this type from the subject property reportedly routinely occurred into the adjacent homes and yards prior to the construction of the crm wall and swale.



## **CULTURAL IMPACTS**

**Articles IX and XII of the State Constitution, other state laws, and the courts of the State require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.**

Please provide the identity and scope of cultural, historical and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

A recent site survey and Cultural Assessment (draft report in progress) for the project area has concluded that the project area has not been, and is not currently, used for traditional cultural purposes.

Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

The Cultural Assessment determined based on the research and the comments received from the community, it is reasonable to conclude that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to traditional cultural practices including, gathering, access, cultivation, the use of traditional plants, oli (chanting) and ha'a (dancing), making traditional-type tools (i.e., poi pounders, poi boxes, etc.), and access to the ocean will be not impacted by the proposed property project, located on 37-acres of land in Kailua Ahupua'a, Ko'olaupoko District, Island of O'ahu, Hawai'i [Tax Map Key (1) 4-2-004: 001].

What feasible action, if any, could be taken by the BLNR in regards to your application to reasonably protect native Hawaiian rights?

None required for the permit in arrears of the existing low rise crm wall and swale.

## OTHER IMPACTS

Does the proposed land use have an effect (positive/negative) on public access to and along the shoreline or along any public trail?

No effect. The project site is on private land and there are no known public trails or shorelines within or adjacent to the project site. The existing low rise crm wall and swale do not obstruct access to the area.

Does the proposed use have an effect (positive/negative) on beach processes?

The project manages and mitigates erosion, runoff, and the potential for soil sediments to reach beach areas.

Will the proposed use cause increased runoff or sedimentation?

No. The project manages and mitigates erosion, runoff, and the potential for soil sediments to reach beach areas.

Will the proposed use cause any visual impact on any individual or community?

No. The existing low rise crm wall and swale is not visible outside the Keolu Summit subdivision.

Please describe any sustainable design elements that will be incorporated into the proposed land use (*such as the use of efficient ventilation and cooling systems; renewable energy generation; sustainable building materials; permeable paving materials; efficient energy and water systems; efficient waste management systems; et al.*).

The project removes residential landscape irrigation piping and will give priority to revegetation with xeriscape or native plants with low water requirements, thereby conserving Hawaii's precious water resources.

If the project involves landscaping, please describe how the landscaping is appropriate to Conservation District (*e.g. use of indigenous and endemic species; xeriscaping in dry areas; minimizing ground disturbance; maintenance or restoration of the canopy; removal of invasive species; habitat preservation and restoration; et al.*).

The project will give priority to revegetation using indigenous and endemic plants with low water requirements and xeriscape techniques.

Please describe the Best Management Practices that will be used during construction and implementation of the proposed land use.

Selection of the species for revegetation and soil stabilization will be in consultation with a recognized expert currently working on habitat restoration projects in the Kailua area. Dust mitigation measures will be in place during removal of the chicken coop, wood steps, and irrigation piping. All debris will be removed and recycled where possible.

Please describe the measures that will be taken to mitigate the proposed land use's environmental and cultural impacts.



Selection of the species for revegetation and soil stabilization will be in consultation with a recognized expert currently working on native habitat restoration projects in the Kailua area. Dust mitigation measures will be in place during removal of the chicken coop, wood steps, and irrigation piping. All debris will be removed and recycled where possible.



## CHAPTER 205A, COASTAL ZONE REQUIREMENTS

Land uses are required to comply with the provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management," as described below:

- **Recreational resources:** Provide coastal recreational opportunities accessible to the public.
- **Historic resources:** Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- **Scenic and open space resources:** Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- **Coastal ecosystems:** Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
- **Economic uses:** Provide public or private facilities and improvements important to the State's economy in suitable locations.
- **Coastal hazards:** Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence, and pollution.
- **Managing development:** Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- **Public participation:** Stimulate public awareness, education, and participation in coastal management.
- **Beach protection:** Protect beaches for public use and recreation.
- **Marine resources:** Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

## CERTIFICATION

I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attachments and exhibits is complete and correct. I understand that the failure to provide any requested information or misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, or for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Land Board.

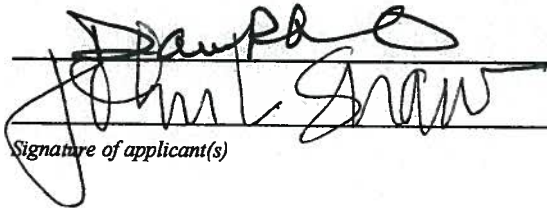
I hereby authorize representatives of the Department of Land and Natural Resources to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 a.m. and 4:30 p.m.



*Signature of authorized agent(s) or if no agent, signature of applicant*

## AUTHORIZATION OF AGENT

I hereby authorize Dawn R. Horn to act as my representative and to bind me in all matters concerning this application.



*Signature of applicant(s)*



PROJECT ADDRESS:  
1471 AUNAUNA STREET, KAILUA, HI 96734  
1711 KANAPUU STREET, KAILUA, HI 96734  
**TYPICAL SECTION - CRM RETAINING WALL**

Attachment to CDUA Application for TMK's (1) 4-2-097:0048 (0005) and (1) 4-2-004:0001  
SHAW, 1471 Aunauna Street, Kailua, HI 96734  
MDHE LLC 1711 Kanapuu Drive, Kailua, HI 96734  
RE: CRVS Notices 14-82 and 14-83

#### Landscape Corrections and Revegetation Plan.

In accord with guidance by consultant Eric Guinther, Ecologist, AECOS, Inc., the infill revegetation for erosion control in areas that will be exposed by removal of encroaching structures and areas currently in low-growing grasses will be as follows (see survey map attached):

##### Area A

After removal of chicken coop, stepping stones, and rock and wood landscape terrace walls, the terraced ground will be raked to a more natural slope. Lava rocks from the dry-stack rock terraces will be recycled into runoff/sediment riffles in the swales of areas A, B, and C; some lava rocks will be retained in a natural scatter within the former terrace areas for erosion control and soil support.

Planting infill of the newly exposed areas will use propagation of existing *kupukupu* ferns (*Nephrolepis cordifolia*), and banana (*Musa* sp.) in Area A with the addition of *pohinahina* (*Vitex rotundifolia*) and *naio papa* (*Myoporum sandiwickense*) as ground covers. All of these species are currently growing prolifically on the Shaw property.

##### Area B

The landscape irrigation manifold and PVC piping will be removed and a simple water spigot valve will be installed temporarily in the underground manifold box to facilitate watering of new and transplanted native plants until they take hold. The water source pipe will be capped in underground manifold box after removal of the spigot.

*Milo* (*Hibiscus tiliaceus*) and *kou* (*Cordia subcordata*) trees will be planted at the upper edge of the landscape encroachment area near the existing mango and monkeypod trees to limit the advance of invasive *koa haole* and non-native grasses. *Pohinahina*, *naio papa*, 'ilima (*Sida fallax*) and 'a'ali'i (*Dodonaea viscosa*) will be used as infill shrubbery for soil stabilization where appropriate within the grassed spaces.

Lava rock recycled from the rock terraces will be used as runoff/sediment riffles within the swales.

##### Area C

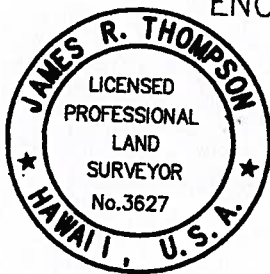
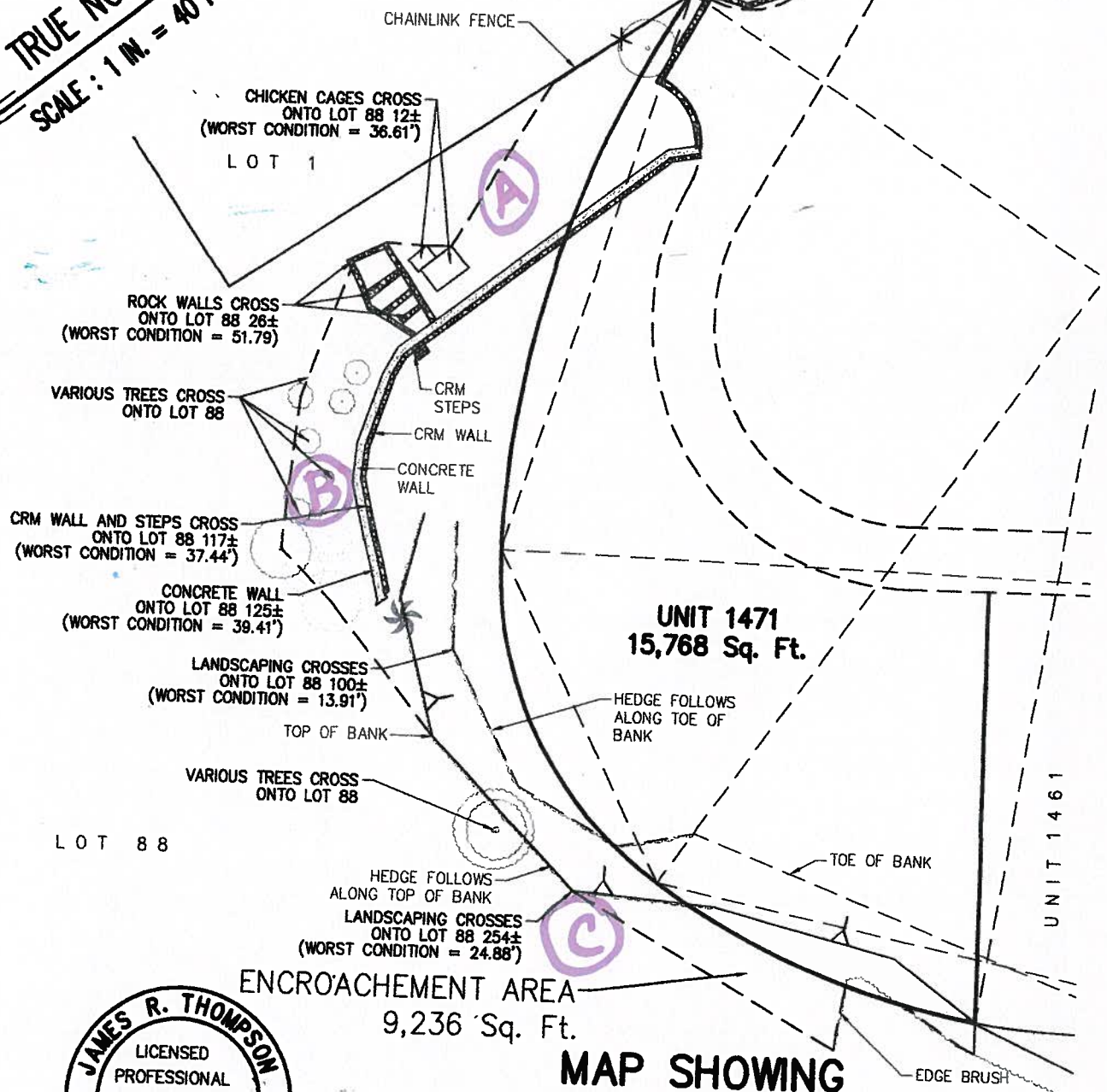
Propagation of seedlings from the existing *kou* and nearby *kukui* (*Aleurites moluccana*) and *milo* trees will be encouraged to limit the advance of invasive *koa haole* and non-native grasses.

*Pohinahina*, *naio papa*, 'ilima and 'a'ali'i, and existing heliconias will be used for infill shrubbery for soil stabilization where appropriate within the grass spaces.

Lava rock recycled from the terraces will be used as runoff/sediment riffles within the swales.

TRUE NORTH

SCALE : 1 IN. = 40 FT.



**MAP SHOWING  
PERIMETER IMPROVEMENTS  
AFFECTING PORTION UNIT 1471  
KEOLU SUMMIT CONDOMINIUM PROJECT  
AT PUHEKE, KAILUA, KOOLAUPOKO, OAHU, HAWAII**

THIS WORK WAS PREPARED BY  
ME OR UNDER MY SUPERVISION

*James R. Thompson*  
Exp. 04/30/14  
13091t03-UNIT1471.dwg/1612.49/ggsw/030414  
TAX MAP KEY : 4 - 2 - 97 : 48

MARCH 21, 2014

SCALE : 1 IN. = 40 FT.

WALTER P. THOMPSON, INC.

MAP 3A



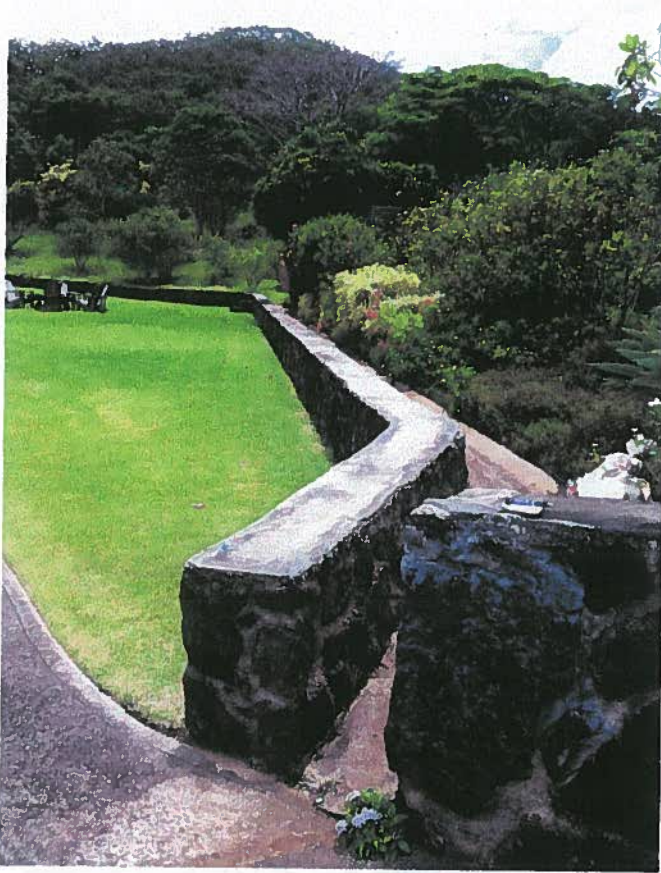
**Conservation District Use Application Photos**

**CRM Wall and Swale**

**TMKs (1) 4-2-097:0048-(0005) and (1) 4-2-004:0001**

**1471 Aunauna Street, Kailua HI 96734 John and Nancy Shaw**

**1711 Kanapuu Drive, Kailua, HI 96734 MDHE LLC**



**Photo 1 existing CRM Wall and Swale**



**Photo 2 Typical view of existing landscaping (Area B)**